

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

Leonard Tony Eddy (aka, King	)	Case No. 3:04-819
South C. Slave);	)	
	)	
Plaintiff,	)	
	)	<b>ORDER</b>
-vs-	)	
	)	
K-Mart Stores;	)	
	)	
Defendant.	)	
_____	)	

This matter is before the Court pursuant to a report and recommendation submitted by United States Magistrate Judge Joseph R. McCrorey, who is authorized by 28 U.S.C. §636(b)(1)(B) and this Court's Local Rules to review all pretrial matters in *pro se* cases and submit findings and recommendations to the District Court. Plaintiff sued Defendant for civil rights violations and personal injury. Plaintiff also requested leave of Court to proceed *in forma pauperis*. Plaintiff's Complaint consists of the following paragraph:

1. The defendant inference [sic] with my (constitution rights.)
  2. The defendant inference [sic] with my (constitution amendments.)
  3. The defendant inference [sic] with my (buy power faith.)
- Jurisdiction: 1. The defendant (malpractice, negligent)  
The relief I want 1. 26.000.000.000

On March 22, 2004, the Magistrate Judge filed his Report and Recommendation. He concluded that Plaintiff's Complaint contains no meaningful factual allegations, thus providing no notice to Defendant of the cause(s) to which it must respond and no notice to the Court of the claims upon which relief might be granted. With regard to jurisdiction, the Magistrate Judge concluded that Plaintiff's allegations are so vague and insubstantial that the Magistrate Judge could neither discern

the precise nature of this action nor any factual predicate upon which to determine a specific amount of damages. Finally, the Magistrate Judge determined that the good faith necessary to allow Plaintiff to proceed *in forma pauperis* is lacking in Plaintiff's case because Plaintiff has failed to present issues that are not plainly frivolous. According to the Magistrate Judge, Plaintiff's Complaint has completely failed to allege any coherent or intelligible action cognizable in this Court. After correctly noting that the denial of *in forma pauperis* status can be the equivalent of an involuntary dismissal, the Magistrate Judge recommended to this Court that Plaintiff's motion to proceed *in forma pauperis* be denied and that the action be dismissed without issuance or service of process.

On March 29, 2004, Plaintiff filed his objections to the Magistrate's Report. The objections, which appear to have been drafted by Plaintiff's brother, are rambling and difficult to comprehend. Plaintiff appears to claim that Defendant was wrong to offer firearms for sale that were shipped and transported in interstate commerce.

Upon consideration of the pleadings, the report, the objection, and the arguments therein, the Court concludes that for the reasons stated by the Magistrate Judge, his recommendation that the action be dismissed without issuance or service of process is hereby **APPROVED**. However, this Court finds that Plaintiff's Complaint does not reach a level of frivolity sufficient to warrant denial of Plaintiff's motion to proceed *in forma pauperis*. Therefore, Plaintiff's motion to proceed *in forma pauperis* is hereby **GRANTED**.

**IT IS SO ORDERED.**




---

**MATTHEW J. PERRY, JR.**  
**SENIOR UNITED STATES DISTRICT JUDGE**

**Columbia, South Carolina**  
**January 31, 2006**

